

## APPENDIX 3: STATISTICS FOR THE YEAR ENDED 30 JUNE 2008

This appendix contains statistical information on different aspects of the Tribunal's workload during 2007–08. In some areas, information relating to previous years has been provided for the purposes of comparison.

The information contained in this appendix is summarised below.

<b>Table/chart reference</b>	<b>Overview of information contained in table or chart</b>
A3.1	Applications lodged and finalised in 2007–08
A3.2	Applications lodged in each Registry
A3.3	Applications finalised in each Registry
A3.4	Percentage of applications finalised without a hearing
A3.5	Outcomes of applications for review of decisions finalised in 2007–08
A3.6	Applications current in each Registry as at 30 June
A3.7	Case events, including conferences and other alternative dispute resolution processes, interlocutory hearings and hearings
A3.8	Constitution of tribunals for hearings
A3.9	Appeals from decisions of the Tribunal by jurisdiction
A3.10	Appeals from decisions of the Tribunal — outcomes of appeals determined
A3.11	Appeals from decisions of the Tribunal — outcomes of appeals determined by jurisdiction

Table A3.1 provides more detailed information on the subject matter of applications lodged with the Tribunal and finalised by the Tribunal in 2007–08. Information relating to the Tribunal's major jurisdictions is set out first. This is followed by information on other applications grouped by Australian Government portfolio.

**Table A3.1 Applications lodged and finalised in 2007–08**

	Applications lodged		Applications finalised	
	No	%	No	%
<b>APPLICATIONS FOR REVIEW OF A DECISION</b>				
<b>Compensation</b>				
<i>Safety, Rehabilitation and Compensation Act 1988:</i> Australian Postal Corporation	383		309	
<i>Safety, Rehabilitation and Compensation Act 1988:</i> Comcare	619		459	
<i>Safety, Rehabilitation and Compensation Act 1988:</i> Linfox Armaguard Pty Limited/Linfox Australia Pty Limited	12		5	
<i>Safety, Rehabilitation and Compensation Act 1988:</i> Military Rehabilitation and Compensation Commission	189		256	
<i>Safety, Rehabilitation and Compensation Act 1988:</i> Optus Administration Pty Limited	16		12	
<i>Safety, Rehabilitation and Compensation Act 1988:</i> Other decision-makers	30		19	
<i>Safety, Rehabilitation and Compensation Act 1988:</i> Telstra Corporation Limited	178		178	
Seafarers' compensation	29		36	
<i>Subtotal</i>	1,456	23	1,274	18
<b>Social security</b>				
Age pension/Pension bonus scheme	175		148	
Austudy payment	11		12	
Baby bonus	17		25	
Carer allowance/carers payment	75		85	
Compensation preclusion period	43		41	
Disability support pension	502		527	
Disaster recovery payment	17		6	
Family tax benefit	77		84	
Farm household support	15		11	
Newstart allowance	228		183	
Other	60		51	
Overpayments and debt recovery	462		537	
Parenting payment	53		67	
Rent assistance	16		13	
Special benefit	10		7	
Youth allowance	43		39	
<i>Subtotal</i>	1,804	29	1,836	25

	Applications lodged		Applications finalised	
	No	%	No	%
<b>Veterans' affairs</b>				
<i>Military Rehabilitation and Compensation Act 2004</i>	32		26	
Other	24		25	
<i>Veterans' Entitlements Act 1986: Disability pension</i>	440		570	
<i>Veterans' Entitlements Act 1986: Service pension/Income support supplement/Pension bonus</i>	45		44	
<i>Veterans' Entitlements Act 1986: Widows pension</i>	130		144	
Veterans' Review Board: Procedural decisions	3		2	
<i>Subtotal</i>	674	11	811	11
<b>Taxation Appeals Division</b>				
Australian Business Number	23		24	
Fringe benefits tax	14		53	
Goods and services tax	182		246	
Income tax (other than taxation schemes)	667		963	
Income tax (taxation schemes)	201		739	
Other	126		71	
Self-managed superannuation fund regulation	17		4	
Superannuation guarantee charge	41		49	
Taxation administration	10		25	
<i>Subtotal</i>	1,281	20	2,174	30
<b>Small Taxation Claims Tribunal</b>				
Fringe benefits tax	1		1	
Goods and services tax	6		4	
Income tax	47		49	
Other	3		16	
Refusal of extension of time to lodge objection	17		33	
Release from taxation liabilities	13		9	
Superannuation guarantee charge	7		3	
<i>Subtotal</i>	94	1	115	2
<b>Agriculture, Fisheries and Forestry Portfolio</b>				
Agricultural and veterinary chemicals	1		1	
Export control	1		1	
Fisheries	1		–	
<i>Subtotal</i>	3	<1	2	<1
<b>Attorney-General's Portfolio</b>				
AusCheck decisions	15		8	
Bankruptcy	19		20	
Customs	18		23	

	Applications lodged		Applications finalised	
	No	%	No	%
Marriage celebrants	4		2	
Waiver of fees in courts	2		2	
<i>Subtotal</i>	58	<1	55	<1
<b>Broadband, Communications and the Digital Economy Portfolio</b>				
Communications and media	3		2	
<i>Subtotal</i>	3	<1	2	<1
<b>Defence Portfolio</b>				
Defence Force retirement and death benefits	7		9	
Employer support payments	3		4	
Other	-		1	
<i>Subtotal</i>	10	<1	14	<1
<b>Education, Employment and Workplace Relations Portfolio</b>				
Disability services	1		2	
Education services for overseas students	3		3	
Higher education funding	21		18	
Mutual recognition of occupations	3		4	
<i>Subtotal</i>	28	<1	27	<1
<b>Environment, Water, Heritage and the Arts Portfolio</b>				
Environment protection and biodiversity	4		3	
Great Barrier Reef Marine Park	-		1	
Protection of movable cultural heritage	1		1	
<i>Subtotal</i>	5	<1	5	<1
<b>Finance and Deregulation Portfolio</b>				
Electoral matters	6		5	
Superannuation Acts	1		1	
<i>Subtotal</i>	7	<1	6	<1
<b>Foreign Affairs and Trade Portfolio</b>				
Export market development grants	1		6	
Passports	11		18	
<i>Subtotal</i>	12	<1	24	<1
<b>Health and Ageing Portfolio</b>				
Aged care	12		20	
Food standards	1		1	
Human embryo research	1		1	
Other	10		10	
Pharmacists	21		19	
Sport anti-doping matters	-		2	
Therapeutic goods	5		1	
<i>Subtotal</i>	50	<1	54	<1

	Applications lodged		Applications finalised	
	No	%	No	%
<b>Human Services Portfolio</b>				
Child support	25		22	
<i>Subtotal</i>	25	<1	22	<1
<b>Immigration and Citizenship Portfolio</b>				
Business visa cancellation	127		164	
Citizenship	191		153	
Migration agent registration	3		9	
Protection visa cancellation or refusal	1		2	
Visa cancellation or refusal on character grounds: Visa applicant or holder in Australia	41		36	
Visa refusal on character grounds: Visa applicant outside Australia	12		36	
<i>Subtotal</i>	375	6	400	6
<b>Innovation, Industry, Science and Research Portfolio</b>				
Automotive industry	1		1	
Industry research and development	6		2	
Patents, designs and trademarks	3		4	
Textiles, clothing and footwear	1		2	
<i>Subtotal</i>	11	<1	9	<1
<b>Infrastructure, Transport, Regional Development and Local Government</b>				
Airports	1		3	
Aviation and maritime transport security	9		14	
Civil aviation	30		26	
Motor vehicle standards	14		22	
<i>Subtotal</i>	54	<1	65	<1
<b>Prime Minister and Cabinet Portfolio (including Climate Change)</b>				
Renewable energy	1		2	
<i>Subtotal</i>	1	<1	2	<1
<b>Treasury Portfolio</b>				
Auditors and liquidators registration	–		3	
Corporations	35		32	
Insurance and superannuation regulation	10		5	
Tax agent registration	22		30	
<i>Subtotal</i>	67	1	70	<1
<b>Security Appeals</b>				
ASIO assessments	–		3	
Decisions of National Archives of Australia relating to ASIO records	4		1	
<i>Subtotal</i>	4	<1	4	<1

	Applications lodged		Applications finalised	
	No	%	No	%
<b>Whole of Government</b>				
<i>Archives Act 1983</i>	4		2	
<i>Freedom of Information Act 1982</i>	142		125	
<i>Subtotal</i>	146	2	127	2
<b>Case Management and Tribunal Decisions</b>				
No jurisdiction/Uncertain jurisdiction	83		80	
Review of taxation of costs	–		1	
<i>Subtotal</i>	83	1	81	1
<b>OTHER APPLICATIONS UNDER THE ADMINISTRATIVE APPEALS TRIBUNAL ACT 1975</b>				
Application for extension of time to lodge an application for review of a decision	58		55	
Application for stay of a primary decision	3		3	
<i>Subtotal</i>	61	<1	58	<1
<b>Total<sup>a</sup></b>	<b>6,312</b>	<b>100</b>	<b>7,237</b>	<b>100</b>

a Percentages do not total 100% due to rounding.

Chart A3.2 Applications lodged in each Registry

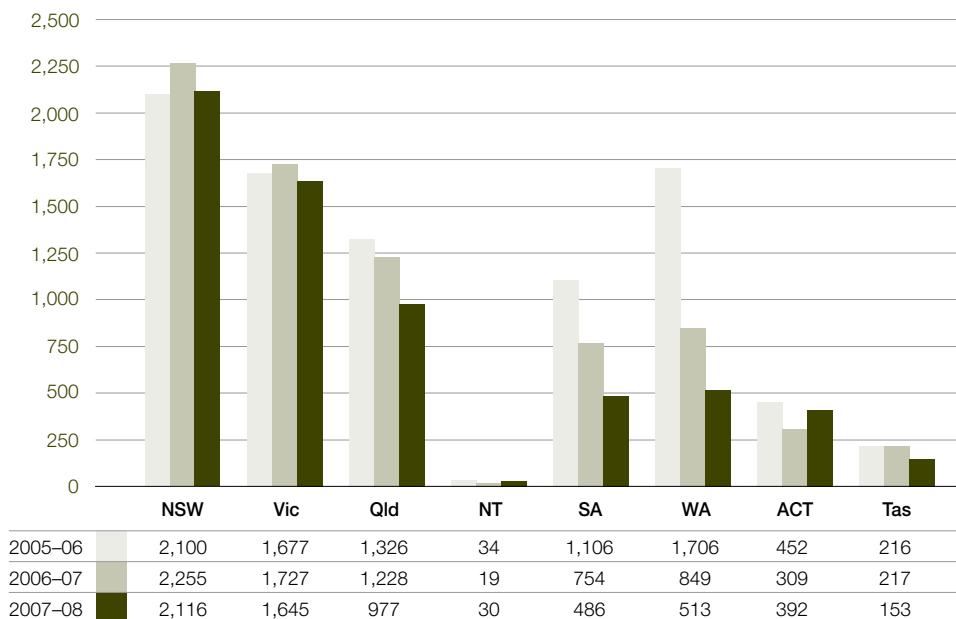


Chart A3.3 Applications finalised in each Registry

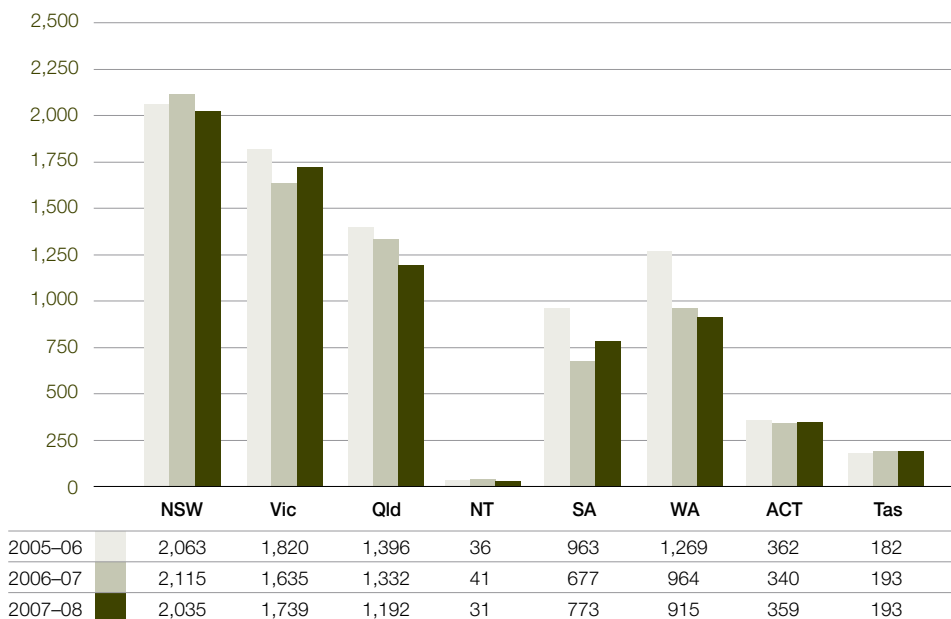


Table A3.4 Percentage of applications finalised without a hearing

Jurisdiction	2005-06 %	2006-07 %	2007-08 %
All applications	81	81	79
Compensation	85	85	85
Social security	68	72	70
Veterans' affairs	72	78	75
Taxation Appeals Division	94	92	91
Small Taxation Claims Tribunal	78	77	72

**Note:** Applications finalised without a hearing are applications that were finalised otherwise than by a Tribunal decision under section 43 of the *Administrative Appeals Tribunal Act 1975*. This includes applications finalised in accordance with terms of agreement lodged by the parties pursuant to sections 34D or 42C of the Act, applications withdrawn by the applicant under subsection 42A(1A) and applications dismissed by the Tribunal under sections 42A and 42B.

Table A3.5 Outcomes of applications for review of a decision finalised in 2007–08

Outcome	All applications		Compensation		Social security		Veterans' affairs		Taxation Appeals Division		Small Taxation Claims Tribunal	
	No	%	No	%	No	%	No	%	No	%	No	%
<b>By consent/withdrawn</b>												
Decision affirmed under section 34D or 42C	318	4	232	18	22	1	17	2	37	2	3	3
Decision varied under section 34D or 42C	906	13	65	5	43	2	112	14	649	30	26	23
Decision set aside under section 34D or 42C	1,575	22	374	29	264	14	204	25	579	27	21	18
Dismissed by consent under subsection 42A(1)	125	2	11	<1	18	<1	6	<1	57	3	–	–
Dismissed by operation of law <sup>a</sup>	277	4	N/A	–	277	15	N/A	–	N/A	–	N/A	–
Withdrawn by applicant	1,919	27	362	28	539	29	259	32	457	21	17	15
<b>By decision under section 43 of the Administrative Appeals Tribunal Act 1975</b>												
Decision affirmed	913	13	110	9	359	20	118	15	113	5	22	19
Decision varied	70	<1	1	<1	20	1	12	1	32	1	–	–
Decision set aside	506	7	84	7	172	9	73	9	61	3	10	9
<b>Other</b>												
Dismissed by Tribunal <sup>b</sup>	241	3	12	<1	81	4	7	<1	107	5	2	2
No jurisdiction <sup>c</sup>	153	2	14	1	15	<1	2	<1	35	2	10	9
Extension of time refused	45	<1	5	<1	19	1	–	–	12	<1	–	–
No application fee paid	84	1	N/A	–	N/A	–	N/A	–	23	1	2	2
Other <sup>d</sup>	47	<1	4	–	7	<1	1	<1	12	<1	2	2
<b>Total<sup>e</sup></b>	<b>7,179</b>	<b>100</b>	<b>1,274</b>	<b>100</b>	<b>1,836</b>	<b>100</b>	<b>811</b>	<b>100</b>	<b>2,174</b>	<b>100</b>	<b>115</b>	<b>100</b>



- a Where an application in the family assistance and social security area relates to the recovery of a debt, the parties may agree in writing to settle the proceedings. On receipt of the agreement, the application is taken to have been dismissed: section 182 of the *Social Security (Administration) Act 1999* and section 146 of the *A New Tax System (Family Assistance) (Administration) Act 1999*.
- b These figures refer to applications dismissed under subsection 42A(2) of the *Administrative Appeals Tribunal Act 1975* (non-appearance at a case event), subsection 42A(5) (failure to proceed with an application or to comply with a direction of the Tribunal) and subsection 42B(1) (application is frivolous or vexatious).
- c These figures refer to applications in relation to which the Tribunal has determined that it does not have jurisdiction and applications dismissed under subsection 42A(4) of the *Administrative Appeals Tribunal Act 1975* on the basis that the applicant has failed to demonstrate that the decision is reviewable.
- d These figures include applications for review of a decision that have been lodged out of time and in relation to which no extension of time application is subsequently received.
- e Percentages do not total 100% due to rounding.

Chart A3.6 Applications current in each Registry as at 30 June

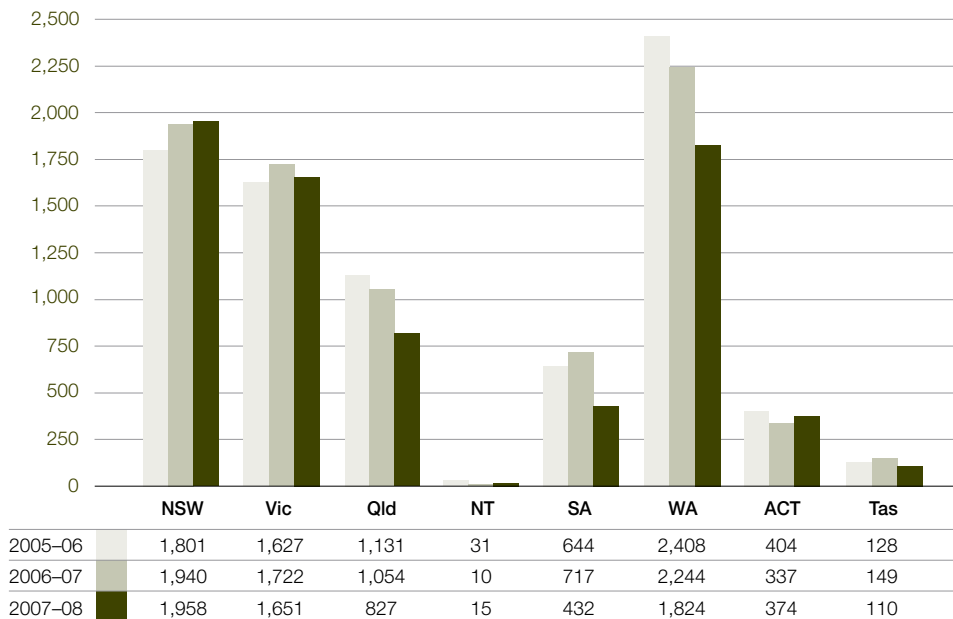


Table A3.7 Number of alternative dispute resolution processes, interlocutory hearings and hearings

Event Type	2007-08
Conferences	9,668
Case appraisal	10
Conciliation	504
Mediation	56
Neutral evaluation	24
Interlocutory hearings <sup>a</sup>	470
Hearings	1,413

a Includes hearings relating to the jurisdiction of the Tribunal and hearings relating to applications for orders of the following kind:

- an extension of time to lodge an application for review;
- to be joined as a party to a proceeding;
- a confidentiality order under section 35 of the *Administrative Appeals Tribunal Act 1975*;
- an order staying the operation or implementation of a reviewable decision;
- to dismiss an application;
- to reinstate an application.

Table A3.8 Constitution of tribunals for hearings

Tribunal type	2007–08	
	No.	%
Judge alone	7	<1
Judge with 1 other member	7	<1
Judge with 2 other members	3	<1
Deputy President alone	158	11
Deputy President with 1 other member	53	4
Deputy President with 2 other members	5	<1
Senior Member alone	651	46
Senior Member with 1 other member	131	9
Senior Member with 2 other members	6	<1
Member alone	358	25
Two Members	33	2
Three Members	1	<1
<b>Total<sup>a</sup></b>	<b>1,413</b>	<b>100</b>
Total multi-member tribunals	239	17

a Percentages do not total 100% due to rounding.

Table A3.9 provides information in relation to appeals from decisions of the Tribunal that were lodged in 2007–08 and in the two previous years. The table distinguishes between appeals lodged in the Federal Court under section 44 of the *Administrative Appeals Tribunal Act 1975* and applications for judicial review made under other enactments, including the *Administrative Decisions (Judicial Review) Act 1977*, the *Judiciary Act 1903*, Part 8 of the *Migration Act 1958* and section 75(v) of the Constitution.

Table A3.9 Appeals from decisions of the Tribunal by jurisdiction

Jurisdiction	2005–06		2006–07		2007–08	
	Section 44	Other	Section 44	Other	Section 44	Other
Compensation	22	4	21	1	15	–
Social security	29	4	39	–	25	–
Veterans' affairs	27	–	24	–	24	2
Taxation Division	19	–	18	–	25	2
Small Taxation Claims Tribunal	3	–	–	–	–	–
Other	42	15	25	6	32	17
<b>Total</b>	<b>142</b>	<b>23</b>	<b>127</b>	<b>7</b>	<b>121</b>	<b>21</b>

**Note:** In some circumstances, a party may lodge an application seeking relief under section 44 of the *Administrative Appeals Tribunal Act 1975* and under another enactment. These applications are treated as section 44 appeals for statistical purposes.

Tables A3.10 and A3.11 provide information on the outcomes of appeals from decisions of the Tribunal that were finally determined in 2007–08 and in the two previous years.

**Table A3.10 Appeals from decisions of the Tribunal — outcomes of appeals determined**

Outcome	2005–06		2006–07		2007–08	
	Section 44	Other	Section 44	Other	Section 44	Other
Allowed/Remitted	32	6	52	3	44	4
Dismissed	67	11	59	7	62	12
Discontinued	21	9	26	1	21	2
<b>Total</b>	<b>120</b>	<b>26</b>	<b>137</b>	<b>11</b>	<b>127</b>	<b>18</b>

**Note:** Where a decision of a Federal Magistrate, a single judge of the Federal Court or the Full Court of the Federal Court has been appealed, only the ultimate result is counted for the purpose of these statistics.

During the reporting year, six appeals under section 44 of the *Administrative Appeals Tribunal Act 1975* were finally determined in the Federal Magistrates Court following transfer of the appeal from the Federal Court pursuant to section 44AA of the *Administrative Appeals Tribunal Act 1975*.

**Table A3.11 Appeals from decisions of the Tribunal — outcomes of appeals determined by jurisdiction**

Outcome	2005–06		2006–07		2007–08	
	Section 44	Other	Section 44	Other	Section 44	Other
<b>Compensation</b>						
Allowed/Remitted	5	2	10	1	10	–
Dismissed	16	–	10	1	11	2
Discontinued	4	–	2	–	4	–
<i>Subtotal</i>	25	2	22	2	25	2
<b>Social security</b>						
Allowed/Remitted	4	–	7	–	6	–
Dismissed	9	1	14	–	17	–
Discontinued	8	3	10	–	5	–
<i>Subtotal</i>	21	4	31	–	28	–
<b>Veterans' affairs</b>						
Allowed/Remitted	9	–	14	–	12	–
Dismissed	12	–	9	–	9	2
Discontinued	1	–	3	–	2	–

Outcome	2005-06		2006-07		2007-08	
	Section 44	Other	Section 44	Other	Section 44	Other
<i>Subtotal</i>	22	–	26	–	23	2
<b>Taxation Appeals Division</b>						
Allowed/Remitted	4	–	9	–	9	–
Dismissed	11	1	6	–	11	–
Discontinued	5	–	5	–	4	1
<i>Subtotal</i>	20	1	20	–	24	1
<b>Small Taxation Claims Tribunal</b>						
Allowed/Remitted	1	–	–	–	–	–
Dismissed	–	–	3	–	–	–
Discontinued	–	–	–	–	–	–
<i>Subtotal</i>	1	–	3	–	–	–
<b>Other</b>						
Allowed/Remitted	9	4	12	2	7	4
Dismissed	19	9	17	6	14	8
Discontinued	3	6	6	1	6	1
<i>Subtotal</i>	31	19	35	9	27	13
<b>Total</b>	<b>120</b>	<b>26</b>	<b>137</b>	<b>11</b>	<b>127</b>	<b>18</b>